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DEPARTMENT OF HOMELAND SECURITY ICE		TECS ACCESS CODE 3	
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		CASE NUMBER AU17BR08AU0001	
TITLE: TEXAS STAFFING RESOURCES, ET AL			
CASE STATUS: INTERIM RPT			
REPORT DATE 110910	DATE ASSIGNED 050708	PROGRAM CODE YPO	REPORT NO. 015
RELATED CASE NUMBERS:			
COLLATERAL REQ:			
TYPE OF REPORT: MEMO OF INTERVIEW			
TOPIC: INTERVIEW OF TINA TERRELL AT HILTON GARDEN INN OF ROUND ROCK, TX			

## SYNOPSIS:

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Resident Agent in Charge (RAC)/ Austin, TX (AU) is conducting an investigation regarding Texas Staffing Resources (TSR) for fraudulently obtaining H2B non-immigrant visas under the pretext of representing various U.S. based companies. A review of the petitions filed indicate that Hilton Garden Inn (HGI) of Round Rock, TX, submitted two petitions between 2006 and 2007 requesting for a total fifty-five (55) foreign workers from Mexico. TSR was acting as representatives for HGI during the visa application process.

On November 4, 2010, Robert Murdock and Tina Terrell were interviewed regarding their knowledge of the H2B visa petitions filed by TSR on HGI's behalf. This report documents the statements they provided during the interview.

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C O N T I N U A T I O N

CASE NUMBER AU17BR08AU0001

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## CASE PROGRAM CODES:

YP0 BENEFIT FRAUD

6C6 H AND L VISA FRAUD

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## DETAILS OF INVESTIGATION:

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Resident Agent in Charge (RAC)/Austin, TX (AU) is conducting an investigation regarding Texas Staffing Resources (TSR) for encouraging and inducing illegal immigration through the sale of fraudulently obtained H2B non-immigrant visas to foreign nationals who were seeking entry into the U.S. The investigation revealed that TSR falsely represented a hotel company in Round Rock, TX, Hilton Garden Inn (HGI), by fraudulently filing petitions on behalf of HGI between 2006 and 2007. Subsequently, the visas obtained through the petitions were sold to Mexican nationals seeking entry into the U.S. Based on interviews conducted with other material witnesses located to date, the aliens paid up to \$2,500 for each visa and were told by TSR that they did not have to comply with the terms of their admission after entering the U.S.

Reviews of the petitions filed indicate that two petitions were filed by TSR while acting as representatives for HGI, file numbers SRC-06-073-52201 and EAC-07-030-50936.

On January 5, 2006, petition # SRC-06-073-52201 was received by the U.S. Citizenship and Immigration Services (CIS) Texas Service Center in Dallas, TX. The petition was filed by TSR while acting as agents or representatives for HGI. The following details the information obtained from the petition:

The petition requested for 25 unnamed H2B non-immigrant workers from Mexico to be employed by HGI between 4/1/2006 and 10/31/2006. It was approved by Citizenship and Immigration Services (CIS) on January 17, 2006. The I-129 petition contained a signature of Tina Perez (aka Tina Terrell), the Housekeeper Executive for HGI, and is dated 12/15/2005. The contact phone number provided on the I-129 petition, 512-238-8989, was determined to be HGI's fax line.

Further review of the petition indicated that TSR had filed the labor certification application (ETA 750) on 10/13/2005. The Department of Labor (DOL) approved and certified the ETA 750 on 12/08/2005. The application shows TSR as an agent for HGI and provided TSR's address as 2101 Van Horn, Cedar Park, TX 78613. It is noted that 2101 Van Horn, Cedar Park, TX is the residence of Jose VICHARELLY, the president of Texas Staffing Resources.

Other supporting documents submitted with the petition include:

- \* A letter to the CIS Director dated December 17, 2005. The letter has a

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letterhead from HGI but the letter seemed to have mistakenly referenced TECO Excavation and Paving as the petitioner. The letter indicated that the petitioning company will not be able to provide the names of the beneficiaries in Mexico and that the company is still recruiting. The letter also indicated that they will provide the beneficiary names closer to the visa application process at the U.S. Consulate in Mexico. The letter also lists the enclosed documents in support of the petition. The letter contains a signature of Tina Perez, the Housekeeper Executive for HGI.

- \* A second letter to the CIS Texas Service Center dated December 17, 2005. The letter is in support of the H2B visa petition for the purpose of substantiating the company's "peak load need" for temporary workers. The letter claims that HGI will need the alien workers for a period from April through October. The letter also contains a signature of Tina Perez.

A query of the Department of State database indicated that a total of 25 H2B visas were issued under this HGI petition.

On November 9, 2006, the second petition, # EAC-07-030-50936, was received by the U.S. Citizenship and Immigration Services (CIS) Vermont Service Center in St. Albans, Vermont. The petition was filed by TSR while acting as agents or representatives for HGI. The following details the information obtained from the petition:

The I-129 petition requested for 30 unnamed H2B non-immigrant workers from Mexico to be employed by HGI between 1/1/07 and 10/31/07. It was approved by Citizenship and Immigration Services (CIS) on November 19, 2006. The petition contains a signature of Tina Perez and is dated 11/7/2006.

Further review of the petition indicated that TSR had filed the labor certification application (ETA 750) on 9/22/2006. The Department of Labor (DOL) approved and certified the ETA 750 on 11/2/2006. The application shows TSR as an agent for EVS and provided TSR's address as 2101 Van Horn, Cedar Park, TX 78613. The final determination letter was addressed to HILTON GARDEN INN c/o TEXAS STAFFING RESOURCES, 2101 VAN HORN, CEDAR PARK, TX 78613.

Other supporting documents submitted with the petition include:

- \* A letter to the CIS Director dated November 7, 2005. The letter indicated that the petitioning company, HGI, will not be able to provide the names of the beneficiaries in Mexico and that the company is still recruiting. The letter also indicated that they will provide the beneficiary names closer to the visa application process at the U.S. Consulate in Mexico. The

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letter also lists the enclosed documents in support of the petition. The letter contains a signature of Tina Perez, the Housekeeper Executive for HGI.

- \* A second letter to the CIS Vermont Service Center dated November 7, 2006. The letter is in support of the H2B visa petition for the purpose of substantiating the company's "peak load need" for temporary workers. The letter also contains a signature of Tina Perez.
- \* A one page document containing a spreadsheet of HGI's sales income, payroll and number of employees from January 2004 to June 2006. The spreadsheet document contained a signature of Tina Perez.

A query of the Department of State database indicated that a total of 30 H2B visas were issued under this HGI petition.

On November 4, 2010, at approximately 0930 hours, Senior Special Agent (SSA) Ron Estrabo and SSA Joe Santos interviewed Robert Murdock, the manager of HGI, regarding his involvement or knowledge of the H2B visa petition filed by TSR on behalf of HGI. The interview was conducted at HGI's location at [REDACTED]. Mr. Murdock provided the following statements.

When asked if he ever dealt with Jose VICHARELLY or TSR in 2006 and 2007, Mr. Murdock stated he started working for HGI in Round Rock in 2008 and that he does not know who VICHARELLY or TSR is. Mr. Murdock added that Robert Godsey was the manager of HGI during that time. However, Mr. Godsey was transferred to the New Braunfels, TX branch for a short time in 2008 and was subsequently released by HGI. Mr. Murdock claims he does not know Mr. Godfrey's current whereabouts.

When asked if there is an employee at HGI named Tina Perez, Mr. Murdock initially stated that Ms. Perez was not an employee at HGI. However, Mr. Murdock realized that an HGI employee named Tina Terrell might be the same person as the Ms. Perez we had inquired about. Mr. Murdock called Ms. Perez in for an interview when the investigating Agents requested for her.

Mrs. Tina TERRELL (aka Tina Perez), presented herself for an interview with SSA R. Estrabo and SSA J. Santos. MRS. TERRELL indicated that Tina Perez was her maiden name and that she is the head housekeeper at HGI.

MRS. TERRELL stated that sometime in 2005 and 2006, VICHARELLY came to HGI. VICHARELLY wanted to speak to some of the employees who needed visas to work in the U.S. MRS. TERRELL admitted that she was the main person that VICHARELLY had dealt with. When asked how many employees HGI had at that time, MRS. TERRELL estimated that they had approximately 20 workers.

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MRS. TERRELL added that VICHARELLY had an office in a brown building located across the street from the Sirloin Stockade Restaurant in Round Rock, TX.

MRS. TERRELL also stated that a female subject, who she thought was VICHARELLY'S girlfriend at the time, was with VICHARELLY when they came by to talk to the employees about getting visas.

MRS. TERRELL relayed that VICHARELLY had her sign a document that allowed him to speak to their employees. When asked if she could provide a copy of the document she signed, MRS. TERRELL stated that VICHARELLY did not give her a copy of the document. MRS. TERRELL stated that VICHARELLY came to the hotel approximately 3 or 4 times to meet with the workers at the hotel lobby. MRS. TERRELL claims that she was never part of the conversations VICHARELLY had with the workers.

MRS. TERRELL stated that VICHARELLY was charging the workers an initial payment of \$1,500 for each visa. MRS. TERRELL added that VICHARELLY charged another fee once the beneficiaries received the visas. However, MRS. TERRELL did not know what the amount was for the second payment.

When asked if HGI paid TSR a fee for their service, MRS. TERRELL claims that TSR did not charge the hotel for their service.

MRS. TERRELL recalls one of the workers who had received a visa, Adriana ZAVELLETA, came back to the hotel with a visa but only stayed there to work for a short time. MRS. TERRELL claims that ZAVALLETTA left to work for another company because they paid more. MRS. TERRELL also recalls that another one of the workers had received a visa but never returned back to work for HGI. MRS. TERRELL could not recall the name of the second person.

MRS. TERRELL was shown a list of the beneficiaries' names to see if she recognizes any of them as having been employed by HGI between 2006 and 2008. MRS. TERRELL indicated that the subjects on list were never employed by HGI. It is noted that during an I-9 inspection previously conducted by ICE, HGI provided a roster of their employees which corroborated MRS. TERRELL's statement.

MRS. TERRELL was shown a photo lineup of Jose VICHARELLY, Irma VICHARELLY, Angela FAULK and Pedro Saul OCAMPO. MRS. TERRELL positively identified Jose VICHARELLY and Irma VICHARELLY as the subjects that came to their hotel to help their workers get visas.

When the petitions were shown to MRS. TERRELL, she stated that he had never seen any of the petition documents, certifications or correspondences

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contained in the files. MRS. TERRELL also claims that the signatures on all of the documents were not her signatures. MRS. TERRELL was requested to provide signature exemplars to demonstrate her signature. It is noted that MRS. TERRELL's signature is notably different from the signatures found on the petition documents.

MRS. TERRELL also pointed out that the phone number ((512) 238-8989) on the I-129 petition is the company's fax line. However, the mailing address (2101 Van Horn, Cedar Park, TX) and e-mail address (sayde\_r@hotmail.com) did not belong to HGI. MRS. TERRELL also pointed out that the letterheads of the correspondences in support of the petition were not the company's letterhead.

Additionally, MRS. TERRELL stated that the spreadsheet documents containing the company's monthly sales income were substantially higher than what the company actually makes.

MRS. TERRELL claims that during the time frame of the petitions, she was transferred to an HGI hotel in El Paso, TX. MRS. TERRELL recalled that she moved to El Paso, TX on July 20, 2006. MRS. TERRELL claims that in June of 2007, she returned to work for HGI in Round Rock, TX.

MRS. TERRELL claims that when she returned to work at the Round Rock hotel, she received a letter that indicated that HGI had requested for more visas. MRS. TERRELL could not recall the exact details of the letter but she thought it came from CIS or DOL. MRS. TERRELL was baffled by the letter since they had not made any requests for visas. MRS. TERRELL claims she called VICHARELLY on his cell phone and confronted him about the letter. MRS. TERRELL claims that VICHARELLY showed up at the hotel demanding MRS. TERRELL to hand over the letter. MRS. TERRELL refused to give VICHARELLY the letter. MRS. TERRELL also noticed that VICHARELLY was extremely upset when she would not hand the letter over to him.

When asked when the last time she had seen VICHARELLY, MRS. TERRELL claims that she saw him during the summer of 2009 at a restaurant called DULCES located at Lakeline Mall in Cedar Park, TX. MRS. TERRELL believes that VICHARELLY currently owns the restaurant. MRS. TERRELL also added that VICHARELLY had ignored her when he saw her at the restaurant.

MRS. TERRELL was requested to search for a copy of the letter that she had received after she came back from El Paso, TX. MRS. TERRELL also provided her cell phone number as 512-517-2746.

The interview terminated at 1045 hours.

This investigation continues.

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TITLE: TEXAS STAFFING RESOURCES, ET AL			
CASE STATUS: INTERIM RPT			
REPORT DATE 121410	DATE ASSIGNED 050708	PROGRAM CODE YPO	REPORT NO. 019
RELATED CASE NUMBERS:			
COLLATERAL REQ:			
TYPE OF REPORT: MEMO OF INTERVIEW			
TOPIC: INTERVIEW OF CARMEN HERNANDEZ TEPIXTLE			

## SYNOPSIS:

The Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Resident Agent in Charge (RAC)/ Austin, TX (AU) is conducting an investigation regarding Texas Staffing Resources (TSR) for fraudulently obtaining H2B non-immigrant visas under the pretext of representing various U.S. based companies. Subsequently, the fraudulently obtained visas were sold to Mexican nationals seeking entry into the U.S. One of the beneficiaries, Carmen HERNANDEZ TEPIXTLE, was located and interviewed regarding the visas she had purchased.

This report documents the statements HERNANDEZ TEPIXTLE provided during the interview.

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## CASE PROGRAM CODES:

YP0 BENEFIT FRAUD

6C6 H AND L VISA FRAUD

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## DETAILS OF INVESTIGATION:

The Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Resident Agent in Charge (RAC)/ Austin, TX (AU) is conducting an investigation regarding Texas Staffing Resources (TSR) for encouraging and inducing illegal immigration through the sale of fraudulently obtained H2B non-immigrant visas to foreign nationals who were seeking entry into the U.S. The investigation revealed that TSR fraudulently filed petitions under the pretext of representing other U.S. based companies. TSR made misrepresentations on the petitions by falsely stating the number of visas required by each company they represented. TSR requested a substantially greater number of visas than what their client company actually needed. Additionally, TSR also filed petitions without the knowledge or permission of the companies they represented. Subsequently, the extra visas obtained through the petitions would be sold to Mexican nationals seeking entry into the U.S. Based on interviews conducted with other material witnesses located to date, the aliens paid up to \$2,500 for each visa and were told by TSR that they did not have to comply with the terms of their admission after entering the U.S.

Carmen HERNANDEZ TEPIXTLE, a Mexican national, was identified as one of the beneficiaries of the fraudulently obtained H2B visas. The H2B visa HERNANDEZ TEPIXTLE received was based on the petition filed by TSR on behalf of Hilton Garden Inn (HGI) in 2007 (Petition #EAC-07-030-50936). It is noted that HGI's head housekeeper, Tina Perez, was listed as the company executive filing on behalf of the company. Ms. Perez related during an interview with investigating Agents that HGI was kept in the dark about the petitions filed by TSR. Ms. Perez also confirmed that most of the HGI visa beneficiaries, including HERNANDEZ TEPIXTLE, were never employed by HGI (See Report of Investigation #15).

During the investigation, it was determined that HERNANDEZ TEPIXTLE also obtained three other H2B visas between 2005 and 2008. All four of the visas she obtained were from petitions submitted by TSR on behalf of other companies in the Austin, TX area. The following details the H2B visas HERNANDEZ TEPIXTLE had obtained between 2005 and 2008:

- \* Petition # SRC-05-024-50229 TEXAS FOOD RESEARCH INC. DBA SATAY RESTAURANT. This petition was received by U.S. Citizenship and Immigration Services (CIS) on November 3, 2004 and approved by CIS on Nov. 12, 2004. The petition was for 19 workers. It is noted that Pedro Saul OCAMPO was listed as the General Manager of SATAY RESTAURANT and VICHARELLY as the person preparing the form. On Dec. 13, 2004, based on this petition, HERNANDEZ TEPIXTLE was issued a H2B visa in Monterrey, Mexico. On the same day, HERNANDEZ TEPIXTLE entered the U.S. via Laredo, TX and was admitted at the

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port of entry as a nonimmigrant H2B temporary worker.

- \* Petition # SRC-05-223-52448 TEXAS FOOD RESEARCH INC. DBA SATAY RESTAURANT. This petition was received by CIS on August 10, 2005 and approved by CIS on August 17, 2005. The petition was for 20 workers. Once again, it is noted that Pedro Saul OCAMPO was listed as the General Manager of SATAY RESTAURANT and VICHARELLY as the person preparing the form. On September 21, 2005, based on this petition, HERNANDEZ TEPIXTLE was issued a H2B visa in Matamoros, Mexico. On the same day, HERNANDEZ TEPIXTLE entered the U.S. via Brownsville, TX and was admitted at the port of entry as a nonimmigrant H2B temporary worker.
- \* Petition # EAC-07-030-50936 HILTON GARDEN INN (HGI). This petition was received by CIS on November 9, 2006 and approved by CIS on Nov. 19, 2006. The petition was for 30 workers. On January 12, 2007, based on this petition, HERNANDEZ TEPIXTLE was issued a H2B visa in Matamoros, Mexico. On the same day, HERNANDEZ TEPIXTLE entered the U.S. via Brownsville, TX and was admitted at the port of entry as a nonimmigrant H2B temporary worker.
- \* Petition # EAC-07-236-52877 A&M SPRAY PAINTING, INC. This petition was received by CIS on August 13, 2007 and approved by CIS on August 21, 2007. On April 9, 2008, based on this petition, HERNANDEZ TEPIXTLE was issued a H2B visa in Matamoros, Mexico. On the same day, HERNANDEZ TEPIXTLE entered the U.S. via Brownsville, TX and was admitted at the port of entry as a nonimmigrant H2B temporary worker.

On November 30, 2010, at approximately 1545 hours, Senior Special Agent (SSA) Ron Estrabo and SSA Joe Santos conducted an interview with HERNANDEZ TEPIXTLE when she was encountered at [REDACTED] SSA J. Santos conducted the Spanish translation during the interview. HERNANDEZ TEPIXTLE provided the following statements.

HERNANDEZ TEPIXTLE admitted to be a Mexican citizen who was last admitted into the United States at Brownsville, TX on or about 4/9/2008 as a nonimmigrant H2B temporary worker with authorization to remain in the U.S. for a temporary period. It is noted that HERNANDEZ TEPIXTLE remained in the U.S. beyond the authorized time period and is currently in the U.S. illegally.

When asked where she is currently employed, HERNANDEZ TEPIXTLE admitted that she had been working for the McDonalds restaurants in the Round Rock, TX and Pflugerville, TX locations.

When asked if she knew Jose VICHARELLY, HERNANDEZ TEPIXTLE admitted that between 2004 and 2008, she got four H2B visas from VICHARELLY.

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HERNANDEZ TEPIXTLE related that she first met VICHARELLY sometime in 2003. HERNANDEZ TEPIXTLE stated that a co-worker introduced her to VICHARELLY while they were working at McDonalds restaurant. HERNANDEZ TEPIXTLE claims that VICHARELLY came to her house about two or three months later to discuss the visa purchase.

When asked what VICHARELLY had told her about the visa she was getting, HERNANDEZ TEPIXTLE related that the visas he was providing her would let them work in the U.S. legally. VICHARELLY told her that she has the option of working for the company that was petitioning for her visa. However, if she did not want to work for the petitioning company, she does not have to work for them and that she could work somewhere else. HERNANDEZ TEPIXTLE added that this was all explained to her before she got her first visa.

When asked how much she had paid for the visas, HERNANDEZ TEPIXTLE explained that she paid \$2,000 for the first visa she obtained. HERNANDEZ TEPIXTLE added that she paid \$1,500 for each of the 2nd, 3rd and 4th visa she obtained between 2006 and 2008. HERNANDEZ TEPIXTLE claims that she always paid in cash.

HERNANDEZ TEPIXTLE recalls that in 2005, the first time she went to Mexico to get her visa, VICHARELLY had instructed her to go to a hotel near the U.S. Consulate. While at the hotel and prior to her interview appointment at the U.S. Consulate, she gave the \$2,000 payment to VICHARELLY.

HERNANDEZ TEPIXTLE claims that in 2006, on the next trip to Mexico to get her second visa, she gave the money to a girl that was working with VICHARELLY in Mexico. HERNANDEZ TEPIXTLE described the female as being Hispanic with a slight heavy build, blonde hair and presented herself as being a girlfriend or wife of VICHARELLY. It is noted that subsequent to the interview, HERNANDEZ TEPIXTLE identified Irma VICHARELLY (I. VICHARELLY) in a photo line-up and confirmed that I. VICHARELLY was the same female that was working with VICHARELLY in Mexico with whom she had given the money to.

HERNANDEZ TEPIXTLE claims that on the third and fourth time she got her visa, she did not deal directly with VICHARELLY. HERNANDEZ TEPIXTLE added that she dealt with a female named Angela. It is noted that HERNANDEZ TEPIXTLE was presented with a photo line-up of Angela FAULK subsequent to the interview. HERNANDEZ TEPIXTLE identified FAULK as the person she knew as Angela. HERNANDEZ TEPIXTLE claims that she communicated with FAULK over the phone to get the instructions and appointments. HERNANDEZ TEPIXTLE added that she also met FAULK at TSR's office in Round Rock, TX. HERNANDEZ TEPIXTLE claims that on the last visa purchase she made in 2008, she made an appointment to get another visa with FAULK. After making the appointment, HERNANDEZ TEPIXTLE went to TSR's office in Round Rock, TX and met an unknown male subject. The

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unknown male gave HERNANDEZ TEPIXTLE a date to go to Mexico to get the visa. HERNANDEZ TEPIXTLE claims that she had seen the same unknown male subject in Mexico with FAULK and VICHARELLY.

HERNANDEZ TEPIXTLE claims that after her interviews at the U.S. Consulate Office in Mexico, VICHARELLY would always be the one who gave her back her passport containing the newly issued H2B visa right before she applied for entry at the U.S. Port of Entry in Laredo, TX and Brownsville, TX.

When asked if she ever tried to get another visa after 2008, HERNANDEZ TEPIXTLE claims that she attempted to contact VICHARELLY and FAULK but was unable to get in touch with them. HERNANDEZ TEPIXTLE claims that she also attempted to go to TSR's office in Round Rock, TX but VICHARELLY and FAULK was not there.

At approximately 1637 hours, HERNANDEZ TEPIXTLE was presented with photo line-ups of VICHARELLY, I. VICHARELLY, FAULK, and Pedro Saul OCAMPO. HERNANDEZ TEPIXTLE identified VICHARELLY, I. VICHARELLY and FAULK.

The interview terminated at 1645 hours.

On Dec. 1, 2010, HERNANDEZ TEPIXTLE was administratively processed for removal proceedings at the HSI Office in Austin, TX and was served with a Notice to Appear (I-862). HERNANDEZ TEPIXTLE was released on her own recognizance and was granted deferred action pending the status of this case.

This investigation continues.

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